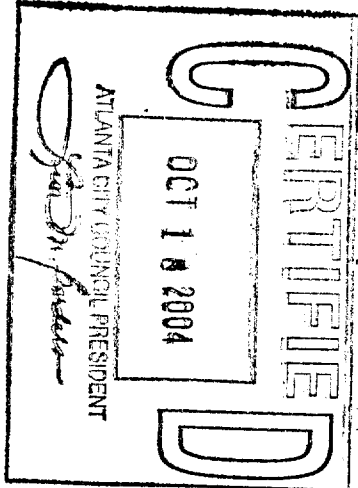


Entered - 09/03/04 - sb
CL - 04L0593 LISA CARTER


CLAIM OF: HEATH LOUPE
701 Highland Avenue #1310
Atlanta, Georgia 30312

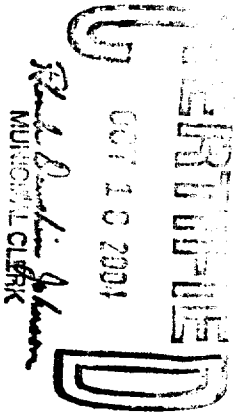
04-R-1791



For damages alleged to have been sustained as a result of a tree branch protruding in the driving lane on August 17, 2004 on North Avenue at Parkway Drive.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 10/12/04

CHAIR: C. T. Mark

Raymond

Heath Skunk

ADVERSED
COMMITTEE

OCT 18 2004



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

October 19, 2004

**Mr. Heath Loupe
701 Highland Avenue
Apt. #1310
Atlanta, Georgia 30312**

04-R-1791

Dear Mr. Loupe:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on October 18, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

**Rhonda Dauphin Johnson, CMC
Municipal Clerk**

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0593

Date: September 28, 2004

Claimant /Victim HEATH LOUPE

BY: (Atty) (Ins. Co.) _____

Address: 701 Highland Avenue #1310 Atlanta, Georgia 30312

Subrogation: _____ Claim for Property damage \$ 891.46 Bodily Injury \$ _____

Date of Notice: 09/1/04 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 08/17/04 Place: North Avenue at Parkway Drive

Department Parks, Recreation and Cultural Affairs Bureau: Parks Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result of a broken branch protruding in the driving lane. However, the city was not on notice of any problems with the tree prior to the incident involving the claimant. Furthermore, the city is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 09/30/04

Committee Action: _____ Council Action _____

RCS# 6139
10/18/04
2:33 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 6-18, EXCEPT:04-O-1369
04-R-1764 04-R-1765
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

NV Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		10-04-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 04-O-1570 2. 04-O-1586 3. 04-O-1667 4. 04-O-1669 5. 04-O-1670 6. 04-O-1671 7. 04-O-1672 8. 04-O-1658 9. 04-O-1807 10. 04-O-1810 11. 04-O-1813 12. 04-O-1817 13. 04-O-1850 14. 04-O-1651 15. 04-O-1654 16. 04-O-1808 17. 04-R-1472 18. 04-R-1751 19. 04-R-1798 20. 04-R-1485 21. 04-R-1759 22. 04-R-1760 23. 04-R-1761 24. 04-R-1797 25. 04-R-1824 26. 04-R-1825 27. 04-R-1762 28. 04-R-1754 29. 04-R-1755 30. 04-R-1756 31. 04-R-1757 32. 04-R-1827 33. 04-R-1799 34. 04-R-1768 35. 04-R-1769 36. 04-R-1770 37. 04-R-1771	38. 04-R-1772 39. 04-R-1773 40. 04-R-1774 41. 04-R-1775 42. 04-R-1776 43. 04-R-1777 44. 04-R-1778 45. 04-R-1779 46. 04-R-1780 47. 04-R-1781	48. 04-R-1783 49. 04-R-1784 50. 04-R-1785 51. 04-R-1786 52. 04-R-1787 53. 04-R-1788 54. 04-R-1789 55. 04-R-1790 56. 04-R-1791 57. 04-R-1792 58. 04-R-1793 59. 04-R-1794